



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

**AGENDA**

**Meeting of October 13, 1999**

10:00 A.M., First Floor Hearing Room  
242 State Street, Augusta, Maine

ROUTINE BUSINESS

- 1.. Ratification of Minutes of the September 8, 1999 meeting.

OLD BUSINESS

2. Alleged State Contribution Limitation Violations:

- A. Robert W. Spear (Spear for Senate Committee):

<u>Date</u>	<u>Source</u>	<u>Amount</u>
Undated	Spear Farms, Inc. (In-kind)	\$800.00
(Amended to reflect received 10/30/98)		
3/3/99	Wm. Dunning	\$310.00
3/3/99	Wm. Dunning (In-kind)	\$400.00
(Amended to reflect received 10/30/98)		
Undated	Maine Republican Party (In-kind)	\$3,974.62
(Amended to reflect received 10/30/98)		
1/21/99	Lincoln County Republicans	\$1,300.00
(Amended to reflect receipts from seven (7) named individuals in amounts not exceeding \$250)		

The following contribution was reported as having been made as indicated but is not included in the "Spear for Senate Committee" semiannual report (as amended) as having been received during the filing period from December 9, 1998 through June 30, 1999:

<u>Date</u>	<u>Made To</u>	<u>Reported By</u>	<u>Amount</u>
1/12/99	Robert Spear	S. Peter Mills	\$100.00

The \$800.00 in-kind contribution from Spear Farms, Inc., the \$400.00 in-kind contribution from Wm. Dunning, and the \$3,974.62 in-kind contribution from The Maine Republican Party, all reported on the amended report for the period ending December 8, 1998, as having been received on October 30, 1998, should have been reported on the 42-day post-election report that was due on December 15, 1999. Those omissions total \$5,174.62.

Itemized contributions from Lincoln County Republicans in the amount of \$680.00 and from GOPAC in the amount of \$500.00, reported on the amended report for the period ending June 30, 1999, as having been received on December 17, 1998, appear to have

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been reported incorrectly as aggregate contributions of \$50 or less not itemized (Schedule A, line 3) on the original report for that period. Those erroneous entries total \$1,180.00.

If the Commission determines that the failure to include the total amount of \$5,174.62 on the report for the period ending December 8, 1998, did not substantially conform to the disclosure requirements, it could assess a penalty of as much as \$5,000.00, based upon the application of the statutory formula (please refer to the attached worksheet). Additionally, if the Commission determines that the failure to accurately report the total amount of \$2,480.00 for the period ending December 8, 1998, did not substantially conform to the disclosure requirements, it could assess an additional penalty of as much as \$1,000.00, based upon the application of the statutory formula (please refer to the attached worksheet). The total amount of the penalties that the Commission may assess in this matter, therefore, could be as much as \$6,000.00.

**Recommendation:** Pending presentation of response to letter of September 14, 1999.

**B. Annette M. Hoglund (Citizens to Elect Annette Hoglund):**

<u>Date</u>	<u>Source</u>	<u>Amount</u>
6/30/98	Skillful Vending (In-kind)	\$16,700.00
6/30/98	United Vending (In-kind)	\$5,021.43
6/30/98	Yankee Bingo (In-kind)	\$15,480.88

An amended report has been submitted by Ms. Hoglund through counsel. That report reverts the above listed items from in-kind contributions to their previous status of outstanding/unpaid bills. Counsel for Ms. Hoglund also requests the Commission's advice regarding fulfillment of future reporting requirements given the fact that it is extremely unlikely that Ms. Hoglund will ever be able to pay those outstanding obligations. A previous Commission action involving a personal guarantee of a \$100,000 loan that was not repaid may be informative, but is not dispositive of the issue of how to proceed in the instant matter.

**Recommendation:** Pending presentation by Ms. Hoglund or representative.

**3. Municipal Contribution Limitation Violations:**

**A. David Costa (Costa for City Council):**

<u>Date</u>	<u>Source</u>	<u>Amount</u>
2/15/99	Michael A. Costa	\$850.00
Undated	Joseph Ricci (Scarborough Downs)	\$500.00

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<u>Date</u>	<u>Source</u>	<u>Amount</u>
4/14/99	Portland Regency Hotel	\$500.00
5/1/99	Edward S. Miller	\$500.00

**C. Charles Harlow (Charles Harlow for Council):**

<u>Date</u>	<u>Source</u>	<u>Amount</u>
Undated	Madden Group of Maine	\$300.00
4/27/99	Anita Gagnon	\$500.00

**D. Jay Hibbard**

<u>Date</u>	<u>Source</u>	<u>Amount</u>
4/5/99	ELC, Inc.	\$500.00
Undated	Robert E. Cleaves IV	\$1,275.00 (In-kind)

**E. Ethan Strimling (Friends & Neighbors for Ethan):**

<u>Date</u>	<u>Source</u>	<u>Amount</u>
2/22/99	Anthony Armstrong	\$500.00
3/21/99	Madeleine Corson	\$1,000.00
4/26/99	DIRIGO Alliance PAC	\$322.54 (In-kind)
4/26/99	Robert Morse, M.D.	\$1,000.00
4/28/99	MIKE LLC	\$500.00
6/16/99	Dale McCormick	\$450.00 (Aggregate)
6/16/99	Pat Peard	\$500.00 (Aggregate)
7/13/99	Preti, Flaherty	\$3,000.00 (In-kind)(Approx.)

**4. COGEL Annual Conference Registration Materials -- Complete and submit if attending December 5-8, 1999 Conference in Providence, RI.****NEW BUSINESS****5. Candidate Campaign Finance Reports:****Eugene McLaughlin**

Late July Semiannual report -- Due 7/15/99; Filed 8/5/99 -- 21 days late

Penalty: \$333.90 (5% Fourth Violation)

Late 42-day post-general report -- Due 12/15/98; Filed 12/16/98 -- 1 day late

Penalty: \$46.25 (5% Third Violation -- Second Violation Paid)

Late 42-day post-primary report -- Due 7/21/98; Filed 8/3/98 -- 13 days late

Penalty: \$19.50 (1% First Violation)

**Recommendation:** Assess full penalties totaling \$399.65

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Promote Jobs for Maine PAC

Failure to report \$5,562.97 in expenditures on April 1999 Quarterly Report

Issue: Did omission until 7/13/99 report fail to substantially conform to the disclosure requirements of the law?

No previous violations this biennium

Penalty: \$5,000.00 (maximum permitted by § 1062-A(4))

**Recommendation:** Pending presentation by PAC representatives.

**7. Lobbyist Disclosure Reports:****A. Charlotte Pease, Lobbyist for Aetna US Healthcare -- Request for Reconsideration of penalty assessed on September 8, 1999**

Late July 1999 Report -- Due 8/16/99; Filed 8/30/99 -- 14 days late

One previous late filing in 1999; two previous late filings in 1998

Penalty Assessed: \$100

**Recommendation:** Mitigate to \$50

**B. David R. Clough, Enterprise Policy Group, Lobbyist for Maine Association of Temporary & Staffing Services and National Federation of Independent Businesses**

Late July 1999 Report -- Due 8/16/99; Filed 8/25/99 -- 9 days late

No previous violations this biennium

Penalty: \$200 (2 employers)

**Recommendation:** Assess \$100 penalty

**C. Edward MacColl, Lobbyist for Scarborough Downs**

Late July 1999 Report -- Due 8/16/99; Filed 9/16/99 -- 31 days late

Late August 1999 Report -- Due 9/15/99; Filed 9/16/99 -- 1 day late

One previous late filing in 1999 (May Report due 6/15/99, filed 6/21/99)

Penalty: \$300 (\$200 for July Report; \$100 for August Report)

**Recommendation:** Assess \$300 penalty

**8. Request for Waiver to Participate as Maine Clean Election Act Candidate:  
Paul T. Davis, Sr., Sangerville, ME.**

**Recommendation:** Pending presentation by Mr. Davis.

**9. Referrals to the Attorney General for Collection Action:****A. Gertrude E. Romine, Treasurer, Independent Party for Maine PAC -- failure to file campaign finance report for period ending June 30, 1999**

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- B. Cal Williams, Treasurer, Maine Taxpayer Action Network PAC -- \$29.48 unpaid penalty
- C. John M. Michael, Treasurer, On Our Terms '97 PAC -- \$150.00 unpaid penalty
- 10. Informational Items:
  - A. Commission's Prototype Performance Budget -- Distribution of documents presented to Bureau of Budget.
  - B. Nomination by the Governor of Peter B. Webster to the Commission.
  - C. Response to Paul F. Driscoll, Esq., Counsel, Catholic Diocese of Maine.
  - D. Response to Mr. Daniel R. Hoffses, Chairman, Cumberland County Republican Committee
- 11. Executive Session:
  - A. Status of lawsuits challenging the Maine Clean Election Act (*Daggett, et al. v. Webster, et al.*) and lobbyist registration fees (*MCOA/MCLU v. Webster, et al.*).
  - B. Discussion of decision in *Volle v. Webster, et al.*
- 12. Other: As may be required due to developments after distribution of agenda packet to Members.

**ADJOURNMENT**